

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/30/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BENIGNO ARGUDO,	:	
	:	
Plaintiff,	:	1:21-cv-5511-GHW
	:	
-v -	:	<u>ORDER</u>
	:	
RUGO, LLC, <i>doing business as</i> PORTOFINO	:	
RESTAURANT, <i>and</i> MARIO RUGOVA,	:	
<i>individually,</i>	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:

On August 22, 2023, the Court entered an order stating that it expected to enter a finding of default against Defendant Rugo, LLC, doing business as Portofino Restaurant, if counsel for Rugo, LLC had not entered a notice of appearance by August 29, 2023. Dkt. No. 65. Counsel for Rugo, LLC failed to enter a notice of appearance by August 29, 2023. Therefore, the Court finds that Rugo, LLC is in default.

Additionally, in its August 22, 2023 order, the Court scheduled a status conference in this case to take place on August 29, 2023. Dkt. No. 65. In the order, the Court directed Mr. Rugova himself to appear at the August 29, 2023 conference to litigate the case *pro se*, should he fail to retain counsel by the same date. The Court, the Court's staff, and Plaintiff's counsel appeared at the August 29, 2023 conference. But Defendants did not, nor did any representatives for Defendants.

Because Defendants did not attend the August 29, 2023 conference, the Court will hold another status conference with respect to this matter by telephone on September 1, 2023 at 10:00 a.m. At that time, the parties should call into the Court's dedicated conference line at (888) 557-8511, and enter Access Code 747-0200, followed by the pound (#) key. The following procedures

shall apply to all teleconferences with the Court:

- i. Counsel should use a landline whenever possible, should use a headset instead of speakerphone, and must mute themselves whenever they are not speaking to eliminate background noise. In addition, counsel should not use voice-activated systems that do not allow the user to know when someone else is trying to speak at the same time.
- ii. To facilitate orderly teleconferences and the creation of an accurate transcript where a teleconference is held on the record, counsel are required to identify themselves every time they speak. Counsel should spell any proper names for the court reporter. Counsel should also take special care not to interrupt or speak over one another.
- iii. The recording of any court conference is prohibited by law.
- iv. Like in-person conferences, telephone conferences are open to the public. Members of the public or the press may join a telephone conference using the dial-in information above.

If counsel for Mr. Rugova has not entered a notice of appearance on his behalf by September 1, 2023, Mr. Rugova himself must appear at the September 1, 2023 conference to litigate the case *pro se*.

Failure to comply with court orders, including failures to attend court-ordered conferences, can result in the imposition of sanctions. Those sanctions can include, without limitation, monetary sanctions, and the entry of default judgment against a party. The Clerk of Court is directed to:

- Issue a certificate of default with respect to Defendant Rugo, LLC;
- Update Defendant Rugo, LLC's address on the docket and mail a copy of this order to Defendant Rugo, LLC at:

Rugo, LLC
555 City Island Ave.
Bronx, NY 10464

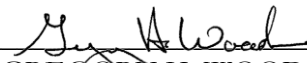
and;

- Update Defendant Mario Rugova's address on the docket and mail a copy of this order to Defendant Mario Rugova at:

Mario Rugova
555 City Island Ave.
Bronx, NY 10464

SO ORDERED.

Dated: August 30, 2023
New York, New York



GREGORY H. WOODS
United States District Judge